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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 IZAZ-E-KHAN,

11 Plaintiff,

12 v.

13 NORTHWEST DETENTION CENTER, and  
14 IMMIGRATION CUSTOM  
15 ENFORCEMENT.

Defendants.

No. C09-5646FDB

ORDER

16 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned  
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate  
18 Judges' Rules MJR 1, MJR 3, and MJR 4. After reviewing the record, the undersigned finds and  
19 orders as follows:

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21 On October 8, 2009, the court clerk received plaintiff's Complaint along with an  
22 application to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915. The undersigned  
23 granted the IFP application. (Dkt # 3) A review of the Complaint reveals significant  
24 deficiencies, which must be cured or corrected.

25 Plaintiff's Complaint lists and names two defendants: the Northwest Detention Center, in  
26 Tacoma, Washington, and the Immigration Customs Enforcement ("ICE"), in Anchorage,

ORDER - 1

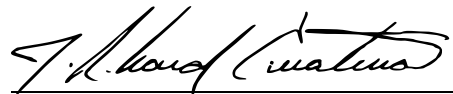
1 Alaska. Plaintiff alleges he was unlawfully detained by ICE at the Northwest Detention Center  
2 from October 10, 2007 until January 16, 2009. Plaintiff alleges that during his incarceration he  
3 was denied due process rights protected by the U.S. Constitution and subjected to cruel and  
4 unusual punishment in violation of his civil rights.

5 Plaintiff has not named a proper defendant. In order to state a claim under 42 U.S.C. §  
6 1983, a complaint must allege facts showing how individually named defendants caused or  
7 personally participated in causing the harm alleged in the complaint. Arnold v. IBM, 637 F.2d  
8 1350, 1355 (9th Cir. 1981). Under most circumstances, a governmental entity cannot be held  
9 liable under §1983. In Monell v. Dept. of Social Services, 436 U.S. 658, 690-91 (1978), the  
10 Supreme Court ruled that local governments may only be sued for damages and declaratory or  
11 injunctive relief, if the action that is alleged to be unconstitutional implements or executes a  
12 policy statement, ordinance, regulation, or decision officially adopted and promulgated by that  
13 body's officers. Monell rejects government liability based on the doctrine of *respondeat*  
14 *superior*. 436 U.S. at 694 n.58 (1978). Plaintiff has alleged certain violations of constitutional  
15 law, but has failed to allege any facts that would justify a claim against the named defendants.

16 Based on the deficiencies described above, plaintiff shall file, by no later than **December**  
17 **18, 2009**, an amended complaint curing, if possible, the above deficiencies.

18 The clerk is directed to send a copy of this order to plaintiff at his last known address.

19 DATED this 16<sup>th</sup> day of November, 2009.

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24 J. Richard Creatura  
25 United States Magistrate Judge  
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